

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

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| CASADOMAINE HOMEBUILDERS, LLC | § | |
| D/B/A CASADOMAINE CUSTOM HOMES | § | |
| | § | |
| v. | § | |
| | § | CIVIL ACTION NO. 5:18-CV-00593-XR |
| MARK A. ROBERTSON, SUZANNE L. | § | |
| ROBERTSON, JB REI, LLC, AND JES | § | |
| ENTERPRISES, INC. D/B/A THE PLAN | § | |
| FACTORY | § | |

JES ENTERPRISES, INC. d/b/a THE PLAN FACTORY's FIRST AMENDED ANSWER

TO: THE HONORABLE XAVIER RODRIGUEZ, UNITED STATES DISTRICT JUDGE
FOR THE WESTERN DISTRICT OF TEXAS:

COMES NOW JES Enterprises, Inc. d/b/a The Plan Factory, one of the Defendants in the
above-styled and numbered cause of action ("Defendant JES"), and files this First Amended
Answer to Plaintiff's Complaint (the "Complaint"), and would state as follows:

1. Defendant JES is without sufficient information to admit or deny the material allegations
contained in paragraph 1 of the Complaint.
2. Defendant JES is without sufficient information to admit or deny the material allegations
paragraph 2 of the Complaint.
3. Defendant JES is without sufficient information to admit or deny the material allegations
in paragraph 3 of the Complaint.
4. Defendant JES is without sufficient information to admit or deny the material allegations
in paragraph 4 of the Complaint.
5. Defendant JES admits the material allegations contained in paragraph 5 of the Complaint.

6. In response to material allegations contained in paragraph 6 of the Complaint, Defendant JES admits that subject matter jurisdiction exists in this Court.
7. In response to material allegations contained in paragraph 7 of the Complaint, Defendant JES admits personal jurisdiction exists in this district.
8. In response to material allegations contained in paragraph 8 of the Complaint, Defendant JES admits venue exists in this district.
9. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 9 of the Complaint.
10. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 10 of the Complaint.
11. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 11 of the Complaint.
12. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 12 of the Complaint.
13. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 13 of the Complaint.
14. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 14 of the Complaint.
15. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 15 of the Complaint.
16. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 16 of the Complaint.

17. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 17 of the Complaint.
18. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 18 of the Complaint.
19. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 19 of the Complaint.
20. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 20 of the Complaint.
21. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 21 of the Complaint.
22. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 22 of the Complaint.
23. Defendant JES denies the material allegations contained in paragraph 23 of the Complaint.
24. Defendant JES denies the material allegations contained in paragraph 24 of the Complaint.
25. Defendant JES denies the material allegations contained in paragraph 25 of the Complaint.
26. Defendant JES denies the material allegations contained in paragraph 26 of the Complaint.
27. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 27 of the Complaint.
28. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 28 of the Complaint.
29. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 29 of the Complaint.

30. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 30 of the Complaint.
31. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 31 of the Complaint.
32. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 32 of the Complaint.
33. Defendant JES denies the material allegations contained in paragraph 33 of the Complaint.
34. The rules do not require a response to paragraph 34 of the Complaint. However, Defendant JES incorporates by reference into this answer its previous responses to all material factual allegations set forth above.
35. Defendant JES is without sufficient information to admit or deny the material allegations contained in paragraph 35 of the Complaint.
36. Defendant JES denies the material allegations contained in paragraph 36 of the Complaint.
37. Defendant JES denies the material allegations contained in paragraph 37 of the Complaint.
38. Defendant JES denies the material allegations contained in paragraph 38 of the Complaint.
39. Defendant JES denies the material allegations contained in paragraph 39 of the Complaint.
40. Defendant JES denies the material allegations contained in paragraph 40 of the Complaint.
41. Defendant JES denies the material allegations contained in paragraph 41 of the Complaint.
42. Defendant JES denies the material allegations contained in paragraph 42 of the Complaint.
43. Defendant JES denies the material allegations contained in paragraph 43 of the Complaint.
44. Defendant JES denies the material allegations contained in paragraph 44 of the Complaint.
45. Defendant JES denies the material allegations contained in paragraph 45 of the Complaint.

46. The rules do not require a response to paragraph 46 of the Complaint. However, Defendant JES incorporates by reference into this answer its previous responses to all material factual allegations set forth above.
47. Defendant JES denies the material allegations contained in paragraph 47 of the Complaint.
48. Defendant JES denies the material allegations contained in paragraph 48 of the Complaint.
49. Defendant JES denies the material allegations contained in paragraph 49 of the Complaint.
50. Defendant JES denies the material allegations contained in paragraph 50 of the Complaint.
51. Defendant JES denies the material allegations contained in paragraph 51 of the Complaint.
52. Defendant JES denies the material allegations contained in paragraph 52 of the Complaint.
53. Defendant JES denies the material allegations contained in paragraph 53 of the Complaint.
54. Defendant JES denies the material allegations contained in paragraph 54 of the Complaint.
55. Defendant JES denies the material allegations contained in paragraph 55 of the Complaint.
56. Defendant JES denies the material allegations contained in paragraph 56 of the Complaint.
57. Defendant JES denies the material allegations contained in paragraph 57 of the Complaint.
58. Defendant JES denies the material allegations contained in paragraph 58 of the Complaint.
59. Defendant JES denies the material allegations contained in paragraph 59 of the Complaint.
60. No response is required to paragraph 60 of the Complaint.
61. To the extent a response is required to Plaintiff's Prayer for Relief, Defendant JES denies the material allegations set forth therein.
62. To the extent Defendant JES has not specifically responded to any of the allegations contained in the Complaint, Defendant JES denies any such allegations.

ADDITIONAL DEFENSES

63. Plaintiff's alleged copyrights are invalid.

64. Plaintiff does not have the right to enforce the alleged copyrights.
65. The alleged “Copyrighted Works” are either copied from works in the public domain, are copied from works to which Plaintiff does not own the copyrights, or are derivative works based on works to which Plaintiff does not own the copyrights.
66. Any use of the alleged “Copyrighted Works” by Defendant constituted fair use.
67. Plaintiff has unclean hands and any claims by Plaintiff for equitable relief are barred by its unclean hands.
68. Plaintiff has failed to mitigate its damages, if any.

JURY DEMAND

Pursuant to the provisions of Fed. R. Civ. P. 38, Defendant JES respectfully demands a jury trial.

WHEREFORE, Defendant JES respectfully requests that Plaintiff take nothing by way of this suit, that Plaintiff’s suit is dismissed with prejudice, that the Court assess costs against Plaintiff, and that the Court award Defendant JES all other relief to which it is entitled.

Respectfully submitted,

By: /s/ James W. Hryekewicz
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ATTORNEYS FOR DEFENDANT
JES ENTERPRISES, INC.
D/B/A THE PLAN FACTORY

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2018, I electronically filed the foregoing document with the clerk for the U. S. District Court, Western District of Texas, using the Electronic Case Filing system of the Court, by way of which copies were served on the following known counsel of record:

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/s/ James W. Hryekewicz
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